IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 12233 of 2004

Between:

K. Mahesh, S/o K. Hanumantharao,
AD(OL)-for short), Office of the General Manager, Telecom District
Khammam - 507 050.

..... PETITIONER

AND

1 The Chairman & Managing Director, (CMD - for short), Bharat Sanchar Nigam Ltd, (BSNL-for short),
Statesman House, B-148, Barakhamba Road,
New Delhi - 110 001.
2 The Chief General Manager, Telecom, BSNL, A.P. Circle,
Hyderabad - 500 001.
3 The General Manager, Telecom District, (GM, TD - for short), BSNL, Vijayawada - 520 004.
4 The General Manager, Telecom District, BSNL, Khammam - 507 050.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of mandamus by directing the first respondent to consider regularisation of the petitioner as AD(OL) in terms of the existing Rules of Recruitment of Assistant Director (Official Language) in BSNL notified vide F.No. 22-35/2001-Pers-II dt. 24-12-2002 (Annexure-P.25) as he is

eligible under the Rules and as he has been officiating in that post from 23-3-1998 and as any further delay in this regard will be arbitrary and violative of Arts. 14 and 16 of the Constitution of India.

Counsel for the Petitioner:MR.T.V.V.S.MURTHY

Counsel for the Respondents:MR.K.NARAHARI

The Court at the stage of admission made the following ORDER:

For not considering the regularization of services of the petitioner as Assistant Director (Official Language) in terms of the existing Rules of Recruitment of Assistant Director (Official Language) in BSNL notified vide F.No.22-35/2001,Pers-II, dated 24-12-2002, the present writ petition is filed.

Learned counsel appearing for the petitioner contended that the services of the petitioner may be regularized as per rules if he is otherwise, eligible.

On the other hand, learned Standing Counsel appearing for the respondents contended that the petitioner is not entitled for regularization of his services as he is in officiating cadre post and therefore, the services of the petitioner cannot be regularized.

The first respondent has to take appropriate decision as to whether the petitioner is entitled for regularization of his services or not as per rules. It is stated by the petitioner that the representation is pending with the first respondent to consider his case for regularization of his services. Therefore, the first respondent is directed to consider the representation of the petitioner and pass appropriate orders as per rules governing the services conditions of the employee, within a period of three months from the date of receipt of a copy of this order. If such an application is not pending with the first respondent, the petitioner is directed to give a fresh application and the same shall have to be considered by the first respondent as per law and pass appropriate orders within a period of two months thereafter.

With the above directions, the writ petition is disposed of. In the circumstances, no costs.

16th JULY, 2004.

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To

1 The Chairman & Managing Director, Bharat Sanchar Nigam Ltd,

Statesman House, B-148, Barakhamba Road, New Delhi - 110 001.
2 The Chief General Manager, Telecom, BSNL, A.P. Circle,
Hyderabad - 500 001.
3 The General Manager, Telecom District, (GM, TD - for short), BSNL, Vijayawada - 520 004.
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5 Two CD copies.